

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD ALEX WILLIAMS,

Petitioner,

No. 2: 03-cv-0721 LKK JFM (HC)

vs.

CHERYL PLILER, Warden

Respondent.

ORDER

Petitioner is a state prisoner proceeding through counsel with an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. On June 29, 2012, the undersigned issued findings and recommendations which recommended granting the application for writ of habeas corpus on petitioner's claim raised pursuant to Batson v. Kentucky, 476 U.S. 79 (1986). (See Dkt. No. 73.) Respondent subsequently filed objections to the findings and recommendations (see Dkt. No. 77.) and a motion for an evidentiary hearing. (See Dkt. No. 78.)

On November 14, 2012, the district judge referred the motion for an evidentiary hearing to the undersigned. (See Dkt. No. 88.) On November 15, 2012, the undersigned granted the motion for an evidentiary hearing and set the matter for December 20, 2012 at 1:30 p.m. (See Dkt. No. 89.)

Petitioner filed objections to the order granting the motion for an evidentiary

1 hearing. (See Dkt. No. 90.) In light of petitioner's objections, the set time for the evidentiary  
2 hearing will be vacated to allow review by the district judge of the order granting the evidentiary  
3 hearing.

4 Accordingly, IT IS HEREBY ORDERED that:

5 1. The evidentiary hearing time and date set for December 20, 2012 at 1:30 p.m.  
6 is VACATED.

7 2. The evidentiary hearing will be rescheduled as appropriate after the district  
8 judge issues his ruling on the order granting an evidentiary hearing.

9 DATED: December 13, 2012.

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12 UNITED STATES MAGISTRATE JUDGE

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